

CONTRACT CHANGE ORDER

CEM-4900 CT# 7541-3501-0

Change Requested by Contractor ☐ ☐

CCO NUMBER	SUPPL. NUMBER	CONTRACT NO.	ROAD	FEDERAL NUMBER(S)
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TO

Contractor

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Description of work to be done, estimate of quantities, and prices to be paid. (Segregate between additional work at contract price, agreed price, and force account.) Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time. The last percentage shown is the net accumulated increase or decrease from the original quantity in the engineer's estimate.

1. Revise Contract Special Provisions-No Cost Change:

Revise the Special Provisions Section 10-1. Water Pollution Control, to reference the applicable National Pollutant Discharge Elimination System (NPDES) Permits as required by the State Water Resources Control Board's (SWRCB) Modification to the General Construction Activity Permit CAS000002 (Order No. 99-08-DWQ) dated December 2nd, 2002. Insert the following paragraphs after the first paragraph of Section 10-1. Water Pollution Control

"The State Water Resources Control Board (SWRCB) has issued a National Pollutant Discharge Elimination System (NPDES) Permit to the Department which governs storm water and non-storm water discharges from its properties, facilities and activities. The Department's NPDES Permit is CAS000003 (Order No. 99-06-DWQ). The Department's Permit references and incorporates the requirements Statewide General Construction Activity NPDES Permit CAS000002 (Order No. 99-08-DWQ). Copies of the Department's Permit, the Statewide General Permit including current modifications that are available for review from the SWRCB, Storm Water Permit Unit, 1001 "I" Street, P.O. Box 1977, Sacramento, California 95812-1977, Telephone: (916) 341-5254 and may also be obtained from the SWRCB Internet website at: <http://www.swrcb.ca.gov/stormwtr/construction.html> and <http://www.swrcb.ca.gov/stormwtr/caltrans.html>."

This project lies within the boundaries of the Region- Regional Water Quality Control Board and shall conform to the requirements of the National Pollutant Discharge Elimination System (NPDES) Permits CAS000003 (Order No. 99-06-DWQ) and CAS000002 (Order No. 99-08-DWQ). This project shall also conform to recent modifications to Order No. 99-08-DWQ, which includes SWRCB Resolution No. 2001-46 and the SWRCB's modification to Order No. 99-08-DWQ, dated December 2, 2002.

2. Adjustment of Compensation at Agreed Lump Sum

The Contractor shall revise and resubmit the contract's Water Pollution Control Program (WPCP) as a Storm Water Pollution Prevention Plan-II (SWPPP-II) to comply with the provisions of the NPDES Permits CAS000003 (Order No. 99-06-DWQ) and CAS000002 (Order No. 99-08-DWQ) including the SWRCB's Modification to Order No. 99-08-DWQ, dated December 2, 2002, Resolution No. 2001-46, and the attached Phase II Contract Change Order Checklist.

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Contractor

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TO

Contractor

You are directed to make the following changes from the plans and specifications or do the following described work not included in the plans and specifications for this contract. **NOTE: This change order is not effective until approved by the engineer.**

Within **15-days** after receiving the approved Contract Change Order (CCO), the contractor shall revise and resubmit 2-copies of the SWPPP-II to the engineer. The contractor shall allow **7-days** for the engineer to review the SWPPP-II. If further revisions are required, the contractor shall revise and resubmit the SWPPP-II within **3-days** of receipt of the engineer's comments and shall allow **3-days** for the engineer to review the revisions.

Upon the engineer's approval of the SWPPP-II, 2 additional copies incorporating the required changes shall be submitted to the engineer. In addition, the contractor shall submit a completed copy of the Phase-II Contract Change Order Checklist as provided in Attachment-A of this CCO. For items not revised in accordance with the attached checklist the contractor shall provide a written explanation why the revision was not completed.

The Engineer may conditionally approve the SWPPP-II while minor changes are actively being completed. The Engineer may stop work or redirect work for failing to comply with the requirements of the Permits, and or the approved SWPPP-II.

The CCO lump sum price paid for preparing SWPPP-II shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals for doing all the work involved in reviewing, revising, and submitting the SWPPP-II document in according to the permits, and as indicated in the Phase-II CCO Checklist. The CCO lump sum price paid shall include full compensation for submitting the Annual Construction Activity Compliance form on or prior to June 15th of each year and any required SWPPP-II amendments.

If the engineer determines additional control measures are required a supplemental CCO will be issued to "Implement Additional Control Measures." If the engineer determines that Storm Water Sampling and Analysis is required a supplemental CCO will be issued to "Conduct Storm Water Sampling and Analysis."

Adjustment in Compensation at Agreed Lump Sum.....\$

Estimated Cost \$

By reason of this order the time of completion will be adjusted as follows: **No Adjustment**

Submitted by: _____ Date: _____
_____, Resident Engineer

Approval Recommended: _____ Date: _____
_____, Approval Senior

Approved: Chief Engineer by: _____ Date: _____
_____, Office Chief

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefore the prices shown above.

Accepted, Date _____ Contractor, _____

By _____ Title _____

If the contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filing a written protest within the time therein specified.

ATTACHMENT-A

CCO CHECKLIST FOR PHASE II NPDES PERMITS

1. Delete Section 10 of the existing WPCP document and replace with the following:
 - a. Preparation Guide, SWPPP Section 2, pages 7 of 62 & 8 of 62. (SWPPP Title Page)
 - b. Preparation Guide, SWPPP Section 2, Sub-sections 100, 100.1, 100.2, 100.3 SWPPP certification & approval)

2. Include a new page after Section 100.3 above entitled **“SWPPP Purpose and Objectives:”**
Include the following text:

The SWPPP’s purpose and objectives includes:

- *“Identify non-storm water discharges,” and*
- *“Identify, construct, implement in accordance with a time schedule, and maintain BMPs to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction”, and*
- *Develop a maintenance schedule for BMPs installed during construction to reduce or eliminate pollutants after construction is completed (post-construction BMPs). ”*

3. Include “New” Attachment-1 entitled **“References”** in back of document. Insert the following text into attachment-1:

“The following documents are incorporated into the SWPPP by reference: Contract Plans and Special Provisions, the Caltrans Permit (Order No. 99-06 DWQ) and the General Construction Permit (Order No.99-08-DWQ) including SWRCB Resolution 2001-046 and the SWRCB Modification to Order No. 99-08-DWQ, dated December 2nd”

Insert a copy of the Caltrans Permit (Order No. 99-06 DWQ) and the General Construction Permit (Order No.99-08-DWQ into Attachment-1.

4. Include “New” Attachment-2 entitled: **“Qualified SWPPP Person(s)”** Preparation Guide, SWPPP Section 2, (Section 300.5, pages 27 of 62 & 28 of 62. (Provide the name and telephone number of the qualified person(s) who have been assigned responsibility for pre-storm, post-storm, and storm event inspections of temporary control practices; and the qualified person(s) assigned responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation.)
5. Include “New” Attachment-3 entitled **“Training”**. See Preparation Guide, SWPPP Section 2, insert (Section 500.7, pages 57 of 62 & 58 of 62. Document SWPPP training received and the project’s on-going training program.
6. Include “New” Attachment-4 entitled **“Non-Compliance Reporting Program”**
The Non-Compliance Reporting Program should specify:

“Should it be determined by the contractor, the Department, the SWRCB, or the RWQCB that storm water discharges and/or non-storm water discharges event occurs the Contractor shall:

“Implement corrective measures immediately following discovery of a discharge event, followed by notification to the engineer by telephone as soon as possible but no later than 24 hours after the discovery. This notification shall be followed by a report within 7-calendar days to the engineer, unless directed otherwise, describing (1) the nature and cause of the discharge; (2) the BMPs currently being implemented; (3) any additional BMPs which will be implemented to prevent or reduce pollutant discharges; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for the corrective actions and shall describe the corrective actions taken.” After the report is given to the engineer the additional BMPs and the revised procedures shall be incorporated into the SWPPP as an amendment.

ATTACHMENT-A

CCO CHECKLIST FOR PHASE II NPDES PERMITS

7. Include "New" Attachment-5 entitled "**Post Construction Controls & Final Stabilization Measures**" Provide list and description of the post construction controls. (Erosion Control Seeding, Landscaping, Erosion Control Blankets, Wood Mulch, Curbs, dikes, energy dissipaters, rock slope protection or etc) The final measures shall meet the permit's requirement to have a uniform vegetative cover of 70% or equivalent prior to completion.
8. Include "New" Attachment-6 entitled "**Sampling and Analysis Plan**". Complete Section 600.5 and Section 600.6 when appropriate. Refer to the following website for Sampling templates for use. <http://www.dot.ca.gov/hq/construc/stormwater/templates.htm>
 - 600.5 Sampling and Analysis Plan for Non-Visible Pollutants**
Instructions-All projects shall prepare a non-visible pollutant Sampling and Analysis Plan (SAP) for Non-Visible Pollutants.
 - 600.6 Sampling and Analysis Plan for Sediment**
Instructions-If the project has the potential to discharge directly into a water body listed as impaired due to Sedimentation/Siltation or Turbidity pursuant to Section 303(d) of the Clean Water Act, the SWPPP must include a Sampling and Analysis Plan (SAP) for Sediment
9. Include "New" Attachment-7 entitled "**Annual Certification Form**"
See Preparation Guide, Appendix A, Attachment M & insert required form. Form must be submitted by June 15th of each year.
10. Include "New" Attachment-8 entitled "**Construction Site Estimate**".
See Preparation Guide, Section 2 SWPPP, complete Sub-section 300.3 Construction Site Estimate. Prepare and insert site estimate.
11. Include "New" Attachment-9 entitled "**Construction Subcontractors**"
Include a list of all subcontractors. Include contact name, phone number and identify responsibility for type of work.
12. **Revise Drawings (WPCDs)** to delineate the location of construction yards/staging areas and identify the corresponding control measures (BMPs) located in the yards/staging areas. This applies to areas located within or outside of the State's right-of-way or on other property. These areas shall have necessary and appropriate BMPs implemented, constructed, and maintained.
13. **Revise Drawings (WPCDs)** Show areas designated for soil storage waste storage, vehicle storage, fueling and maintenance areas

MODIFICATION OF WATER QUALITY ORDER 99-08-DWQ
STATE WATER RESOURCES CONTROL BOARD (SWRCB)
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY (GENERAL PERMIT) TO INCLUDE SMALL
CONSTRUCTION ACTIVITY (ONE TO FIVE ACRES)

Approved by Motion on December 2, 2002

The modifications to the General Permit will do the following:

1. Address the requirements contained in federal regulations, which became final on December 8, 1999, expanding the NPDES program that addresses storm water discharges from construction sites. The threshold acreage of soil disturbance requiring permit coverage has been lowered from five (5) acres to one (1) acre.
2. Reflects current federal regulations that no longer exempt municipalities with populations less than 100,000 people from the need to apply for coverage under a construction storm water discharge permit.

MODIFICATION

MODIFICATIONS TO THE FACT SHEET

The Fact Sheet heading has been updated with the correct address as follows:

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
1001 I STREET, SACRAMENTO, CALIFORNIA 95814

Modification to the section entitled BACKGROUND

- Add to the end of the first paragraph -
“Regulations (Phase II Rule) that became final on December 8, 1999 expand the existing NPDES program to address storm water discharges from construction sites that disturb land equal to or greater than one (1) acre and less than five (5) acres (small construction activity). The regulations require that small construction activity, other than those regulated under an individual or Regional Water Quality Control Board General Permit, must be permitted no later than March 10, 2003.”

Modification to the section entitled CONSTRUCTION ACTIVITY NOT COVERED BY THIS GENERAL PERMIT

- Delete the following language and renumber appropriately:
“(3) construction by municipal entities with a population under 100,000¹” -

Modification to the section entitled DESCRIPTION OF GENERAL PERMIT CONDITIONS, Effluent Limitations

- Change the phone number to 775-674-7010.

- Delete the sentence “Other rainfall information is available at www.cdcc.water.ca.gov.”

MODIFICATIONS TO THE PERMIT

OVERALL MODIFICATION TO THE GENERAL PERMIT

Throughout the General Permit, reference is made to construction activity that results in soil disturbances of five acres or greater, or as part of a larger common plan of development or sale. The permit is modified throughout, to replace the word “five” with the word “one”, so that the permit applies to all construction activity that results in a soil disturbance of one acre or greater. The only exception is where the word “five” is used specifically describing the earlier Phase I regulations.

Finding 1 - insert the following as a new paragraph at the end of the Finding:

“On December 8, 1999 federal regulations promulgated by USEPA (40CFR Parts 9, 122, 123, and 124) expanded the NPDES storm water program to include storm water discharges from municipal separate storm sewer systems (MS4s) and construction sites that were smaller than those previously included in the program. Federal regulation 40 CFR § 122.26(b)(15) defines small construction activity as including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre or less than five acres or is part of a larger common plan of development or sale. Permit applications for small construction activities are due by March 10, 2003.”

New Finding 16:

“Storm water discharges associated with industrial activity that are owned or operated by municipalities serving populations less than 100,000 people are no longer exempt from the need to apply for or obtain a storm water discharge permit. A temporary exemption, which was later extended by USEPA, was provided under section 1068(c) of the Intermodal Surface Transportation and Efficiency Act (ISTEA) of 1991. Federal regulation 40 CFR § 122.26(e)(1)(ii) requires the above municipalities to submit permit application by March 10, 2003.”

New Finding 17

“This permit may be reopened and modified to include different monitoring requirements for small construction activity than for construction activity over five (5) acres.”

Modifications to the section entitled GENERAL INSTRUCTIONS FOR NOTICE OF INTENT TO COMPLY

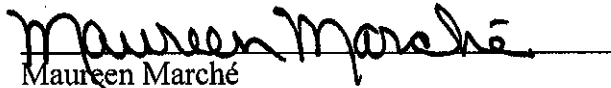
- The item entitled Questions:
Change the phone number to 341-5537

Enclosure 1 entitled AREAS OF THE STATE IN WHICH THE \$250.00 ANNUAL FEE APPLIES

Has been deleted.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the modification language to Water Quality Order 99-08-DWQ approved at a meeting of the State Water Resources Control Board held on December 2, 2002.


Maureen Marché
Clerk to the Board